

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant :	Hiroyuki Tsunoda et al.	Art Unit :	1633
Serial No. :	10/581,183	Examiner :	Fereydoun Ghotb Sajjadi
Filed :	May 18, 2007	Conf. No. :	1638
Title :	EXPRESSION SYSTEMS USING MAMMALIAN BETA-ACTIN PROMOTER		

**Mail Stop Amendment**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

In response to the Restriction Requirement made in the action mailed March 2, 2009, identified Group I (claims 1-20 and 22) is elected for examination. The election is made without traverse.

In response to the species election requirement, Applicant elects the following:

- (i) Mammalian  $\beta$ -actin promoter: mouse;
- (ii) Enhancer: CMV;
- (iii) Transactivator/oncogene: activated mouse c-H-ras; and
- (iv) Mammalian cell: hamster cell.

The species election is made without traverse. Claims 1, 2, 4, 5, 7-19, and 22 read on the elected species.

The action mailed March 2, 2009, opines about the disclosures in certain publications and how those disclosures relate to the subject matter of the present claims. Applicant does not acquiesce in the opinions stated in the action, but will refrain from commenting on them until such time as the opinions may be formulated as a formal rejection in an Office action examining the claims on the merits.

The shortened statutory deadline for responding to the present Restriction Requirement was April 2, 2009. Applicant requests a two (2) month extension of time under 37 CFR §1.136, up to and including June 2, 2009. Thus, the present response, filed June 2, 2009, is timely.

Applicant : Hiroyuki Tsunoda et al.  
Serial No. : 10/581,183  
Filed : May 18, 2007  
Page : 2 of 2

Attorney's Docket No.: 14875-0162US1 / C1-A0311P-US

Please apply the \$490 extension of time fee, and credit any overpayments, to Deposit Account No. 06-1050, referencing Attorney's Docket No. 14875-0162US1.

Respectfully submitted,

Date: June 2, 2009

/Cameron M. Luitjens/

Cameron M. Luitjens, Ph.D., J.D.  
Reg. No. 58,674

Fish & Richardson P.C.  
Customer No. 26161  
Telephone: (612) 335-5070  
Facsimile: (877) 769-7945